

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**ORDER RE: BRIEFING SCHEDULE
FOR DUTCH FOUNDATIONS’
MOTION FOR REVIEW OF
MAGISTRATE JUDGE’S ORDER**

This Order Relates To:
Dkt. Nos. 2989, 2997

On February 7, 2017, Magistrate Judge Corley issued an order denying five separate applications for order pursuant to 28 U.S.C. § 1782 to obtain discovery for use in foreign proceedings. (Dkt. No. 2877.) On February 21, 2017, Stichting Volkswagen Investors Claim and Stichting Volkswagen Car Claim (together, the “Dutch Foundations”) filed a motion for *de novo* review of Judge Corley’s order pursuant to Civil Local Rule 72-3. (Dkt. No. 2936.) Thereafter, Robert Bosch GmbH and Robert Bosch LLC (together, “Bosch”) submitted a notice of intent to oppose the Dutch Foundations’ motion; in the notice, Bosch contends that Judge Corley’s order was a non-dispositive discovery order subject to review under Civil Local Rule 72-2—and not Local Rule 72-3—and requests clarification on whether responsive briefing to the Dutch Foundations’ motion is appropriate. (Dkt. No. 2989.) The parties have since submitted a proposed briefing schedule should the Court permit or order responsive briefing. (Dkt. No. 2997.)

Having reviewed the parties’ submissions, the Court determines that Judge Corley’s order on the Section 1782 applications is a non-dispositive matter and therefore subject to review under Civil Local Rule 72-2. *See In re Application of Rainsy*, No. 16-MC-80258-DMR, 2017 WL 528476, at *1 (N.D. Cal. Feb. 9, 2017) (“It appears that applications under 18 U.S.C. § 1782 are non-case-dispositive discovery matters.”) (citing *Four Pillars Enterprises Co., Ltd. v. Avery*

1 *Dennison Corp.*, 308 F.3d 1075, 1078 (9th Cir. 2002)). Nevertheless, the Court finds that
2 responsive briefing may be helpful to the Court. Therefore, in accordance with the parties'
3 stipulated schedule, the Court ORDERS that opposition briefs to the Dutch Foundations' motion,
4 if any, shall be filed on or before March 13, 2017, and the Dutch Foundations' reply brief, if any,
5 shall be filed on or before March 24, 2017. Further, the Court VACATES the April 7, 2017
6 hearing date for the Dutch Foundations' motion; the Court will notify the parties if a hearing is
7 required.

8 This Order disposes of Docket Nos. 2989 and 2997.

9 **IT IS SO ORDERED.**

10 Dated: March 7, 2017

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13 CHARLES R. BREYER
14 United States District Judge
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